UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

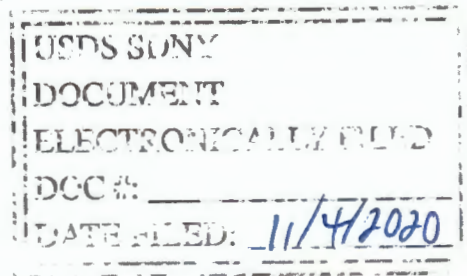|	
STATE OF NEW YORK and THE BOARD OF EDUCATION FOR THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, Plaintiffs, v. UNITED STATES DEPARTMENT OF EDUCATION and ELISABETH DEVOS, *in her official capacity as the Secretary of Education,* Defendants.	No. 1:20-cv-04260-JGK USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: _11/4/2020_

STIPULATION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Under Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiffs the State of

New York and the Board of Education for the City School District of the City of New York

("Plaintiffs") and Defendants United States Department of Education and Elisabeth DeVos, in

her official capacity as the Secretary of Education ("Defendants") (collectively, the "Parties"),

stipulate to the dismissal of the above-captioned action without prejudice. The Parties further

stipulate that, in the event that either Plaintiff seeks to resume litigation challenging the U.S.

Department of Education's Final Rule, *Nondiscrimination on the Basis of Sex in Education*

Programs or Activities Receiving Federal Financial Assistance, 85 Fed. Reg. 30,026 (May 19,

2020) (the "Final Rule") in the future, that Plaintiff agrees to seek to reopen this action or, should

such option be unavailable, to file such challenge in the Southern District of New York and

follow the related case requirement under Local Civil Rule 1.6. The Parties agree that nothing in

this stipulation will prevent Plaintiffs or their respective educational institutions from asserting

the invalidity of the Final Rule, or any provision thereof, in a case in which either of the

Plaintiffs or any of their educational institutions are named as defendants.

[signatures on following pages]

Respectfully submitted,

LETITIA JAMES
Attorney General of the State of New York

By: _____

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Attorneys for Plaintiff the State of New York

DATED: ___11/4/2020___

The Clerk is directed to enter Judgment dismissing this case without prejudice in accordance with the stipulation. The Clerk is also directed to close this case in accordance with the stipulation of the parties.
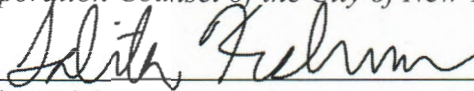
SO ORDERED:

_____
U.S.D.J.

11/4/20.

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Corporation Counsel of the City of New York

By: _____

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DATED: __11/4/20__

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Attorneys for Defendants

DATED: **11 / 4 / 20**